

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: Senate Bill 953

COMMITTEE: Education, Health and Environmental Affairs

POSITION: Support with Amendments

TITLE: Recycling – Apartment Buildings and Complexes

BILL ANALYSIS: The bill adds a new §9-1711 to the Environment Article and will require owners or managers of apartment buildings or complexes with five or more dwelling units to provide recycling at the building or complex, including the collection and separation of recyclable materials from residents of the building or complex and the removal for further recycling of recyclable materials collected and separated at the building or complex. In addition, the bill requires that the recycling be in accordance with the County Recycling Plan required in §9-1703 of the Environment Article. The bill provides for a civil penalty not exceeding \$50 per day on which the violation exists for any person who violates this law.

POSITION AND RATIONALE: The Department supports Senate Bill 953 with amendments. The Department opposed this bill in 2005 because the provisions only applied to apartment buildings and complexes, not other multi-family communities. In light of the findings in the Climate Action Plan report by the Maryland Commission on Climate Change that indicate that significant greenhouse gas emissions and carbon reductions can be achieved through recycling, the Department would broaden the scope of the bill, provide for enforcement by the counties where the dwelling units are located, disburse fines collected under the law to the counties, and require annual reports regarding materials recycled and wastes generated by the property owners or managers, common ownership associations, and cooperative housing projects with seven or more dwelling units in the State.

The first amendment changes the title to reflect broader categories of multi-family communities in the scope of the bill and updates the function paragraph. The terms used are consistent with those in Montgomery County Executive Regulation No. 15-04AM, COMCOR 48.00.03, Solid Waste and Recycling, Chapter 48 that describes the County's multi-family residential recycling program for buildings with seven (7) or more dwelling units.

The second amendment adds language from current law related to county recycling plans for a specific amendment to require a county to address collection and recycling of recyclable materials from residents by owners and managers, common ownership associations, and cooperative housing projects with seven or more dwelling units in the county's 10-year solid waste management plan.

The next amendment expands the scope of the bill to include multi-family communities other than just apartment buildings and complexes. This amendment also removes the term "separation" because more communities are utilizing single-stream recycling, instead of collecting the various materials separately. It also adds a requirement for the property owner or manager, common ownership association, and cooperative housing project to report annually to the county in which the property is located regarding the type and amount of recyclable materials collected and recycled, the amount of waste disposed, and information regarding the contractors that collected the recyclable materials and waste disposed.

Amendment No. 4 clarifies language that county recycling plans must address the expanded scope of the bill. See Amendment No. 2.

The fifth amendment provides authority to local governments to enforce the recycling requirement of owners or managers, common ownership associations, and cooperative housing projects, and provides for penalties obtained from enforcement actions to be disbursed to the county where the violation occurred. This language is consistent with the Criminal Law Article, Litter Control Law (§ 10-110) and provides authority to the local governments, which regulate residential housing, solid waste, and recycling.

The final amendment provides for a separate implementation date for the counties to revise their 10-year solid waste management plans. These plans, including the recycling plan, must be reviewed for revision every three years. Some plans have just been revised and it could be burdensome to require those counties to revise their recycling plans again so soon. In addition, some counties have lengthy public participation processes which may not be able to be completed by September 1, 2010.

FOR MORE INFORMATION,
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BY: Maryland Department of the Environment

AMENDMENTS TO SENATE BILL 953

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 in line 2, strike “Apartment Buildings and Complexes” and insert “Property Owners or Managers, Common Ownership Associations, and Cooperative Housing Projects – Seven or More Dwelling Units”; in line 3 after “owners” insert “or managers, common ownership associations, and cooperative housing projects”; in line 3 strike beginning with “apartment” through “complexes” in line 4 and insert “dwelling units”; in line 4 strike “at the building or complex” and insert “for residents”; in line 6 after the second semi-colon, insert “providing for disbursement of penalties collected under this Act to certain jurisdictions”; in line 7 strike beginning with “at” through “complexes” in line 8 and insert “by owners or managers, common ownership associations, and cooperative housing projects of certain dwelling units”.

AMENDMENT NO. 2

On page 1 in line 11 after “Section” insert “9-1703 and” and in line 16 after “Environment” insert “9-1703. (a) Each county shall submit a recycling plan to the Secretary for approval when the county submits its county plan to the Secretary in accordance with the provisions of § 9-505 of this title.”

(b) In preparing the recycling plan as required in § 9-505 of this title, the county shall address:

- (1) Methods to meet the solid waste stream reduction;
- (2) The feasibility of source separation of the solid waste stream generated within the county;
- (3) The recyclable materials to be separated;
- (4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost-effective use of recycling centers;
- (5) Methods of financing the recycling efforts proposed by the county;

_____ (6) Methods for the separate collection and composting of yard waste;

_____ (7) The feasibility of a system for the composting of mixed solid waste;

_____ (8) The feasibility of a system for the collection and recycling of white goods;

_____ (9) The separate collection of other recyclable materials;

_____ (10) THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS FROM RESIDENTS BY PROPERTY OWNERS OR MANAGERS, COMMON OWNERSHIP ASSOCIATIONS, AND COOPERATIVE HOUSING PROJECTS WITH SEVEN OR MORE DWELLING UNITS; and

_____ (11) Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.

(c) through (f) remain the same.

AMENDMENT NO. 3

On page 1 in line 18, strike “APARTMENT BUILDING OR COMPLEX” and after “ANY” insert “PROPERTY OWNER OR MANAGER, COMMON OWNERSHIP ASSOCIATION, AND COOPERATIVE HOUSING PROJECT”; in line 19 strike “FIVE” and insert “SEVEN”; in line 20 after “EACH” insert “PROPERTY” and after “OWNER” insert “OR MANAGER, COMMON OWNERSHIP ASSOCIATION, AND COOPERATIVE HOUSING PROJECT WITH SEVEN OR MORE DWELLING UNITS”; in line 21 strike “AT THE BUILDING OR COMPLEX” and insert “FOR THE RESIDENTS OF THE DWELLING UNITS”; in line 22 strike “AND SEPARATION”; in line 23 strike “BUILDING OR COMPLEX” and insert “DWELLING UNITS”; in line 23 strike “AND”.

On page 2 in line 2 strike “AND SEPARATED AT THE BUILDING OR COMPLEX” and insert “FROM THE RESIDENTS; AND (3) ON OR BEFORE MARCH 1 EACH YEAR, REPORT TO THE COUNTY IN WHICH THE PROPERTY OWNER OR MANAGER, COMMON OWNERSHIP ASSOCIATION, AND COOPERATIVE HOUSING PROJECT WITH SEVEN OR MORE DWELLING UNITS IS LOCATED ON RECYCLING ACTIVITIES IN THE PRIOR CALENDAR YEAR, INCLUDING:

- (I) THE TYPE AND TONNAGE OF RECYCLABLE MATERIALS COLLECTED AND RECYCLED FROM THE DWELLING UNITS;
- (II) THE TONNAGE OF WASTE DISPOSED FROM THE DWELLING UNITS; AND
- (III) INFORMATION REGARDING THE CONTRACTORS THAT COLLECTED THE RECYCLABLE MATERIALS AND THE WASTE DISPOSED’.

AMENDMENT NO. 4

On page 2 in line 5 after the second “THE” insert “PROPERTY OWNER OR MANAGER, COMMON OWNERSHIP ASSOCIATION, AND COOPERATIVE HOUSING PROJECT WITH SEVEN OR MORE DWELLING UNITS”; in line 6 strike “APARTMENT BUILDING OR COMPLEX”.

AMENDMENT NO. 5

On page 2 in line 7 after “VIOLATES” insert “SUBSECTION (B) OF”; in line 9 after “.” insert “(E) A LAW ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF THE STATE OR A COUNTY OF THE STATE, OR AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COMMISSION OF THE STATE, SHALL ENFORCE COMPLIANCE OF SUBSECTION (B) OF THIS SECTION. (F) ALL PENALTIES COLLECTED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE DISBURSED TO THE COUNTY WHERE THE VIOLATION OCCURRED.”

AMENDMENT NO. 6

On page 2 in line 11, after “2010” insert “, except for changes to Section 9-1703 which will take effect September 1, 2013”